

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of the
Certification to Conduct Gambling Activities of:)

Alexander E. Williams)
Auburn, Washington,)

Class III Employee.)

NO. CR 2011-00817

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued Alexander Williams certification¹ number 69-20836, authorizing Class III Employee activity with Muckleshoot Casino.

The certification expires on April 12, 2012, and was issued subject to the Class III employee's compliance with state gambling laws and rules and the Muckleshoot Tribal/State Compact.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the Class III employee with the following violations of the Muckleshoot Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) On March 24, 2011, a Commission Special Agent (agent) was assigned to investigate Muckleshoot Tribal Member Alexander Williams' qualifications for continued certification in light of his outstanding court-ordered fines and fees.
- 2) The agent determined that Mr. Williams failed to pay court-ordered fines and fees, and \$5,480 had been sent to collections due to his nonpayment. As a result of his fines and fees being in collections, the court issued Mr. Williams ten Failures to Appear. Through his actions Mr. Williams has demonstrated willful disregard for complying with court orders.
- 3) The agent reviewed Mr. Williams' license file and found that previously on March 31, 2010, the agent sent a letter to Marena Cross, Muckleshoot Tribal Gaming Licensing Supervisor. The letter notified Ms. Cross of Commission staff's concerns regarding Mr. Williams' unpaid fines and fees, of which \$3,584 had been sent to collections. The agent also wrote in the letter that although the Commission was not pursuing administrative action at that time, Mr. Williams was encouraged to begin complying with his court obligations to "avoid possible administrative action in the future."

¹ The Commission issues Class III Certifications to employees working at Tribal casinos. Certifications allow similar activities as Card Room Employee (CRE) licenses issued to persons working at commercial house-banked card rooms. Class III employees may transfer their certifications to a CRE license and work at commercial card rooms by sending Commission staff a transfer form and the accompanying fee.

4) On March 24, 2011, the agent sent Ms. Cross another notification letter regarding Mr. Williams' increased collection balances. The letter also stated that based on his pattern of criminal history, including his failure to comply with court ordered fines and fees, Mr. Williams may pose a threat to the effective regulation of gaming and enhance the chances of unfair or illegal practices. Commission staff was also concerned that since Mr. Williams had failed to comply with a judge's rulings, he may not comply with internal control requirements or adhere to the direction of the Tribal Gaming Agency or the State Gaming Agency² in the future. The purpose of the letter was to notify Ms. Cross that in 20 days from the date of the letter, the agent was going to start writing a case report stating why Mr. Williams may not continue to qualify for certification, and that the agent would recommend revocation of Mr. Williams' certification.

5) On March 28, 2011, Commission staff received a copy of a letter that Ms. Cross sent to Mr. Williams, informing him that "to avoid any interruption or possible suspension and/or revocation" of his Tribal License, he must take "immediate action" to resolve his court obligations.

6) On May 23, 2011, the agent called Ms. Cross. Ms. Cross said that she had not heard from Mr. Williams and that he had no reason to not pay his court fines and fees because he gets per capita checks from the Tribe and has other Tribal resources available to him. The agent told Ms. Cross that if there was no response from Mr. Williams by May 31, 2011, the agent would go forward with her report to recommend revocation of his certification.

7) Based on the Class III employee's failure to pay court-ordered fines and fees and his willful disregard of court orders, he poses a threat to the effective regulation of gaming and enhances the chance of unfair illegal practices. Therefore, Mr. Williams has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).

8) Therefore, under Section V(C) of the Muckleshoot Tribal/State Compact, RCW 9.46.075(1) and (8), and WAC 230-03-085(1), (3), and (8), grounds exist to suspend or revoke Alexander Williams' certification.

Section V(C) of the Muckleshoot Tribal/State Compact

The State Gaming Agency may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated there under, or for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when a holder of certification:

(The following subsection applies.)

(1) Is determined to be a person whose prior activities, criminal record, or habits and associations pose a threat to the effective regulation of gaming.

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² Washington State Gambling Commission, as referred to in the Muckleshoot Tribal/State Compact, Section II.

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization: (The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

(The following subsection applies.)

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

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Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230 and the Muckleshoot Tribal/State Compact.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)


RICK DAY, DIRECTOR

Michelle M. Pardee
NOTARY PUBLIC in and for the State of

My commission expires on 6/16/2013

A circular notary seal for Michelle M. Pardee, a Notary Public in the State of Washington. The seal features her name "MICHELLE M. PARDEE" at the top, "COMMISSION EXPIRES" above "NOTARY", and "PUBLIC" below "NOTARY". The date "JUNE 18, 2013" and "STATE OF WASHINGTON" are at the bottom. The seal is surrounded by a decorative border of small dots.